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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,391	12/05/2001	Rodney Earl Norwood	7780/16 (P-00303)	6990

7590 03/01/2004
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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,391

Applicant(s)

NORWOOD, RODNEY

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a second office action for serial number 10/005391, entitled Mobile Cellular Telephone Tower, filed on December 5, 2001.

Response to Amendment

In response to the examiner's office action dated September 22, 2003, the applicant has amended the specification.

Drawings

The drawings stand objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a first extendable segment must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Until clarification within the drawings is made, the examiner will interpret the claims accordingly.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: within claims 1, 13 and 20, a first extendable segment is not disclosed and is unclear as to which segment is supposed to be the first extendable segment, is this supposed to be the base segment, if so, than this segment needs to be discussed within the specification that the base segment is the first

extendable segment. Until further clarification is made in regards to this limitation, the examiner will interpret the claims as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrell, Jr., US Patent # 5,537,125 in view of Featherstone, US Patent # 5,168,679, and further in view of Korovesis, US patent # 5,394,162.

Harrell discloses the claimed invention a tower comprising a base (12 – column 2, lines 37-40), a tower (10) connected to the base, the tower including a base segment (14) and at least a first extendable segment (16) operatively connected to a second extendable segment (18), a winch (46) or an electric winch (column 3, lines 35-37) connected to the base (column 6, lines 27-30), a first cable (44) connected between the base segment and the first extendable segment (column 6, lines 23-25), a second cable (50) connected between the winch (by 48) and the second extendable segment (column 6, lines 36-37); the winch (46) is connected to the first cable (column 6, lines 23-29); the first cable is connected to the second cable (column 6, lines 36-41); the first extendable segment (16) is nestable within the base segment (14); the second extendable segment (18) is nestable within the first extendable segment (16); the tower is movable between a stowed position (figure 3) and an operating position (figure 1 – by 28); a hydraulic

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motor (28) for moving the tower between the stowed position (figure 3) and the operating position (figure 1); the tower in the stowed position is oriented generally horizontally (figure 3 – column 5, lines 37-38); the tower in operating position is oriented generally vertically (column 5, lines 63-68); and, at least one outrigger (32) connected to the base.

Harrell does not disclose a self-propelled base, a cellular telephone network testing equipment mounted on the tower; the outrigger is hydraulically actuated; and, a generator mounted on the base.

In regards to the self-propelled base, Featherstone teaches that it is known in the art to provide a telescoping tower (10) or antenna (18) for use with a vehicle such as a truck (11- which is interpreted to be a self-propelled base). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the self-propelled base as taught by Featherstone with the tower of Harrell in order to illuminate the step of attaching the base of the tower to be transported to another moving vehicle for transport where ever quick erecting telescoping mast are particularly suited for applications and providing a fast setup and teardown with minimal power effort (column 1, lines 21-24).

In regards to the cellular telephone network testing equipment mounted on the tower, Korovesis teaches that it is known in the art to provide a coupler for testing a cellular telephone through an antenna mount. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the same type of coupler for testing a cellular telephone through an antenna mount as taught by

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Korovesis with the antenna of Harrell, since it has been disclosed in Harrell that when the tower is to be used as an antenna, a connector is provided for attaching the cable from the transmitter (column 4, lines 64-68) and to permit an easy use and high durability coupler for testing cellular telephone equipment (column 1, lines 57-58).

In regards to the outrigger being hydraulically actuated and a generator mounted on the base. It would have been an obvious matter of design choice to have the outrigger being hydraulically actuated and a generator mounted on the base, since the applicant has not stated that these limitations are for any particular purpose and it seems that the invention would work equally well with the parts as cited in the references above.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

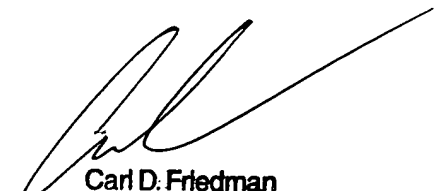
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cg

February 24, 2004



Carl D. Friedman
Supervisory Patent Examiner
Group 3600